



# Appendix J

## *Legislative Authority*

---

### Contents

Barney Bill [page-J-1-1](#)  
Animal Welfare Act (AWA) [page-J-1-2](#)

---

### Barney Bill

The following is an excerpt from Bill H. R. 2559 (commonly known as the Barney Bill).

#### **Title V—Inspection Animals**

#### **Sec. 501. Civil Penalty**

**(a) In General.** Any person that causes harm to, or interferes with, an animal used for the purposes of official inspections by the Department of Agriculture, may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary of Agriculture not to exceed \$10,000.

**(b) Factors in Determining Civil Penalty.** In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the offense.

**(c) Settlement of Civil Penalties.** The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this section.

**(d) Finality of Orders.**

(1) In general. The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code. The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(2) Interest. Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

**Sec. 502.  
Subpoena  
Authority**

**(a) In General.** The Secretary shall have power to subpoena the attendance and testimony of any witness, and the production of all documentary evidence relating to the enforcement of section 501 or any matter under investigation in connection with this title.

**(b) Location of Production.** The attendance of any witness and the production of documentary evidence may be required from any place in the United States at any designated place of hearing.

**(c) Enforcement of Subpoena.** In the case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, in requiring the attendance and testimony of any witness and the production of documentary evidence. In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence. Any failure to obey the court's order may be punished by the court as a contempt of the court.

**(d) Compensation.** Witnesses summoned by the Secretary shall be paid the same fees and mileage that are paid to witnesses in courts of the United States, and witnesses whose depositions are taken, and the persons taking the depositions shall be entitled to the same fees that are paid for similar services in the courts of the United States.

**(e) Procedures.** The Secretary shall publish procedures for the issuance of subpoenas under this section. Such procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and signed by the Secretary. If the authority to sign a subpoena is delegated, the agency receiving the delegation shall seek review for legal sufficiency outside that agency.

**(f) Scope of Subpoena.** Subpoenas for witnesses to attend court in any judicial district or testify or produce evidence at an administrative hearing in any judicial district in any action or proceeding arising under section 501 may run to any other judicial district.

---

**Animal Welfare Act (AWA)**

You can find the AWA at the following website:

<http://www.aphis.usda.gov/ac/awapdf.pdf>